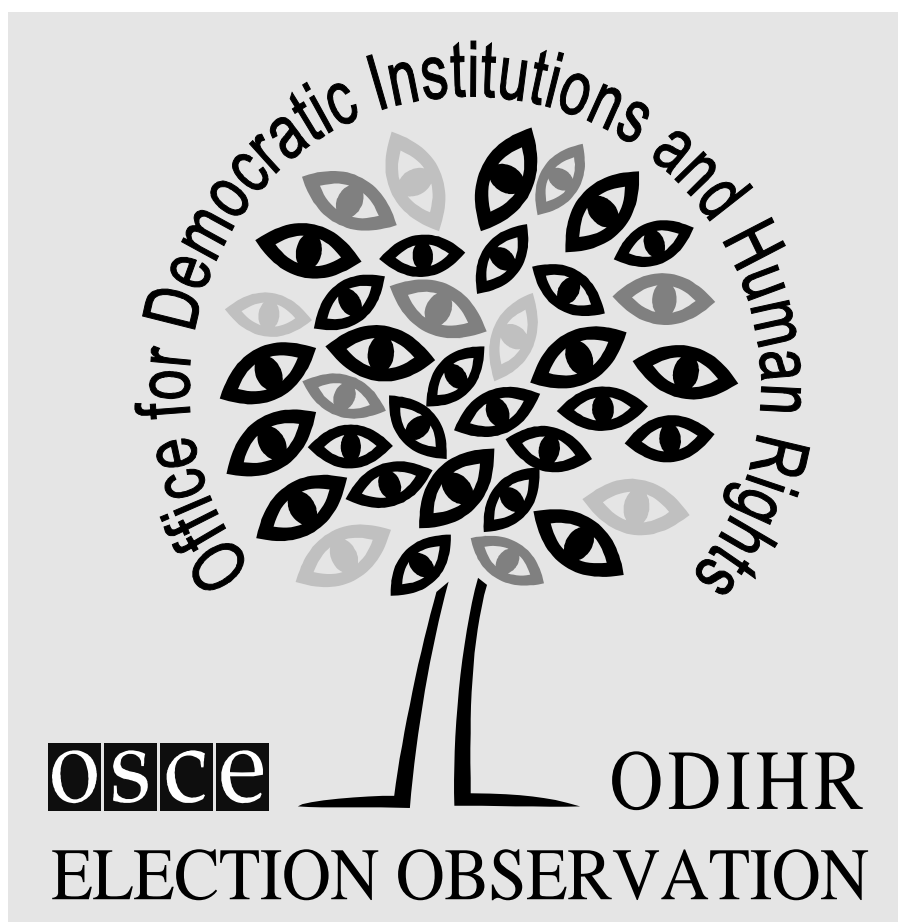




Office for Democratic Institutions and Human Rights

**REPUBLIC OF ESTONIA
PARLIAMENTARY ELECTIONS**

7 MARCH 1999



**Warsaw
31 March 1999**

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1. INTRODUCTION

On 25 January 1999, the Ministry of Foreign Affairs of Estonia announced in a Note Verbale addressed to the OSCE Office for Democratic Institutions and Human Rights (OSCE ODIHR) that elections to the Riigikogu (Parliament) would be held on 7 March 1999. On this basis, the OSCE ODIHR established an election observation mission in Tallinn on 2 February 1999 to assess the electoral process.

Ambassador Michael G. Wygant was appointed by ODIHR as the Head of the Election Observation Mission, upon being seconded by the Government of the USA.

The final report is based upon the findings of 14 long-term and 48 short-term observers, who covered all 11 electoral districts during the election day. The observers represented 16 OSCE participating States as well as members of the diplomatic community based in Estonia.

A preliminary statement was issued in Tallinn on 8 March 1999.

2. EXECUTIVE SUMMARY

- ◆ **The ODIHR Election Observation Mission concludes that the 1999 elections for the Riigikogu were held in accordance with Estonia's commitments as an OSCE participating State.**
- ◆ **The 1999 elections to the Estonian Riigikogu were carried out in accordance with Estonian law and were conducted in a transparent manner, enjoying the confidence of political parties and the public.**
- ◆ **State-owned media (radio and television) gave full and balanced coverage to the election campaign and the competing political parties. Privately owned media – notably the press - was more selective in both its coverage and support of parties. Generally all parties enjoyed a fair level of exposure.**
- ◆ **Election day proceedings were well organised; polling division officials carried out the process efficiently and in accordance with electoral provisions. It is notable that the voter turnout was significantly lower than in the 1995 Riigikogu elections.**
- ◆ **Recent amendments to the election law tightening the language requirement for candidates raise potential concerns regarding the scope of democratic**

participation in future elections, specifically the right of citizens to seek office.

3. LEGISLATIVE FRAMEWORK

The Estonian parliamentary elections are governed by the Riigikogu Election Act adopted on 7 June 1994 with later amendments.

A proportional system is used for the election of deputies to the Riigikogu, a unicameral parliament comprising 101 members. Elections are held every four years on the first Sunday in March.

The country is divided into eleven multi-mandate districts with 7-13 mandates in each. Mandates are distributed proportionally according to the number of registered citizens in an electoral district.

Political parties put forward lists of candidates and a deposit equal to two minimum salary rates, i.e. 2,200 kroons (approx. \$160 US) per candidate, which is refunded if the candidate is elected or receives at least half of the simple quota in an electoral district. There is no limit to the number of candidates a party may submit. Candidates may be nominated by a political party or independently.

Every voter receives one ballot on which he or she writes the registration number of one candidate. There are three rounds of counting.

In the first round of counting a candidate who receives the same or more votes than the “simple quota” in each electoral district is considered elected. The simple quota is calculated by dividing the number of votes in the electoral district by the number of allocated mandates to that district.

In the second round of counting, mandates are awarded to candidates on candidate lists receiving more than 5% of the national votes. On the general candidate lists in the electoral regions, candidates are ranked according to the number of their personal votes. The list receives as many mandates as the number of times that the number of votes obtained in the electoral region exceeds the simple quota. The candidates listed at the top of the list, who receive a number of votes equal to at least 10% of the simple quota are elected.

In the third round of counting, the remaining mandates are distributed between the national candidate lists with at least 5% of the national vote. In this distribution, a modified d’Hondt method is used with a series of 2 to 0.9, 3 to 0.9, 4 to 0.9 and so on until 101 mandates are filled. In the calculation of the comparative figures of each list, as many first elements of the series as there are mandates distributed on the basis of

the simple quotas to the same list in the electoral district are disregarded. Candidates, whose names are at the top of the national candidate list, receive the remaining mandates.

Issues

Since the last Riigikogu elections were held in 1995 several amendments have been introduced to both the Riigikogu Election Act and other laws pertaining to the elections.

The number of members that a political party must have in order to register and run for election was raised from 200 to 1,000 on 1 October 1998, two months prior to the registration deadline for political parties. Smaller parties claimed that this was prejudicial against them. One political party, The Future Estonia Party, which had initially registered, withdrew from the race because it did not have the required number of members.

A law banning pre-electoral coalitions was introduced late in the electoral calendar on 17 November 1998. Its introduction was intended to prevent political parties from forming a coalition for the sole purpose of getting over the 5% threshold needed to obtain party preference seats before splitting into factions as was the case following the 1995 elections. This law was further amended on 25 February 1999, stipulating that parties that presented lists for the new Riigikogu can officially form only one parliamentary faction. Whether this formulation will achieve its intended purpose of reducing the number of parliamentary factions, thus leading to a more cohesive body, remains to be seen.

Notwithstanding that some smaller parties raised concerns with the intent and late introduction of these changes, the overall legal framework remains in accordance with OSCE commitments.

The introduction of voting outside one's place of permanent residence during the three days of advance voting organised between the 1st and 3rd of March, as well as postal voting abroad, widened the possibility for voters to participate in the democratic process.

Concerns were raised in the course of the observation about the transparency of political party financing during the campaign. In one of its final decisions before the elections, the Riigikogu tightened the law governing political party financing. Under the present law parties have to submit a financial report one month after the election. In future elections parties will have to submit weekly financial statements during the campaign.

Candidates nominated for Parliament, and for local government bodies have been required to affirm that they are "sufficiently proficient in Estonian to participate in the work of the Riigikogu". In an effort to stipulate more clearly the level of Estonian

language which candidates for elected office must possess, the Riigikogu amended the election laws in mid December to demand that, by 1 May 1999, all candidates have “a knowledge of written and spoken Estonian for their participation in the work of the Riigikogu”. These stricter requirements will also be levied on candidates for local government elections.

These amendments stipulate that a candidate must be able to:

- ◆ understand the content of legal acts and other texts;
- ◆ report on issues that are on the agenda and be able to express opinion by speech or comment;
- ◆ make inquiries, ask questions and submit proposals; and
- ◆ communicate with the electorate, answer questions, applications and inquires.

The new requirements raise potential concerns regarding the scope of democratic participation in local elections scheduled for this October, as well as for all future elections. Specifically, these amendments could compromise the right of citizens to seek office. Moreover, the OSCE High Commissioner on National Minorities has expressed concern that these stricter requirements could unfairly limit a voter’s right to elect his or her candidate of choice. The ODIHR Election Observation Mission shares this concern. Further, it recommends that implementation of these new requirements be closely followed to ascertain whether, when challenged, future electoral candidates are deprived of registration on the basis of this law.

Under similar legislation, elected officials already in office may be challenged as to their ability to understand the official language. Mr. Juri Bozko, a municipal councillor from northeast Estonia, was removed from office in 1998 under the election law for this reason. He challenged his removal through the court system but his initial trial and subsequent appeals, including one to the Supreme Court, were unsuccessful. Mr. Bozko has since lodged a complaint with the European Court of Human Rights on this matter.

By contrast, however, a substitute city councillor in Narva who was dismissed by the local election committee for inability to speak Estonian, was re-instated by the district court which ruled that by removing her the election committee, had exceeded its authority. The ODIHR Election Observation Mission recommends that attention be paid to future incidents of removal from office of elected officials for alleged inability to understand Estonian, based on these expanded requirements.

The law covering the use of foreign languages in campaign materials remained unclear during the pre-election phase, specifically whether posters and advertisements could also use the Russian language. In an official reply to The Russian Party of Estonia’s complaint on this issue, the Justice Minister wrote on 23 February 1999, that “electoral advertisements can only be formulated in Estonian”. The Justice Minister’s interpretation of the requirements for the exclusive use of the Estonian language in all campaign materials does not appear to be consistent with the freedom of expression as

articulated in international legal instruments to which Estonia is a party. In both northeast Estonia and in Tallinn, some political campaign materials were printed in Russian only whilst other posters used both Russian and Estonian. The ODIHR Election Observation Mission suggests that Estonian authorities should allow the use of minority languages, perhaps in conjunction with Estonian, and that clear guidelines should be issued on this matter.

4. ELECTION ADMINISTRATION

The Riigikogu Election Act stipulates that the following electoral committees prepare and hold the Riigikogu elections: The National Electoral Committee (NEC) based in Tallinn; 17 County Electoral Committees (CECs), including the Tallinn and Tartu City Electoral Committees which administer the 11 electoral districts; and, Polling Division Committees which run the 666 polling stations throughout the country.

The NEC has seven members, two are judges, one is a state prosecutor, and the remaining four are distinguished civil servants. The chairman, deputy chairman and secretary of the NEC are elected by the NEC from among its members at the NEC's first session. The NEC implements the conduct of Riigikogu elections, guides, monitors and supervises other election committees, directs, terminates or repeals decisions or procedures of county and polling division committees, verifies final election results, adjudicates election related complaints within three days, and registers the elected members of the Riigikogu not later than ten days after the election.

Each CEC has up to thirteen members. The chairman of each CEC is the county secretary whilst members are appointed by the governor upon the recommendation of the county secretary. The chairmen of the Tallinn and Tartu City electoral committees are the City secretaries. The members of the City Electoral Committees are appointed by the City Council upon the recommendation of the City secretary. The CEC guides, monitors and supervises the activities of polling division committees, directs, terminates and repeals decisions or procedures of polling division committees, and must adjudicate election related complaints within seven days.

The polling division committee has up to nine members. The members of the polling division committee are appointed by the local government council. The chairman, deputy chairman and secretary of the polling division committee are elected by the committee from among its members. The polling division committee organizes the polling, verifies the results in the polling station and must adjudicate election related complaints within three days.

The members of a lower level electoral committee are guided by the instructions of a higher level electoral committee. Electoral committee sessions are public.

The ODIHR Election Observation Mission was well received and assisted by the NEC and commends the transparency and professionalism of all three tiers of the election administration. On election day, observers were present in more than two hundred and

fifty polling stations. In 98% of observed polling stations the performance of polling division committees was rated from good to excellent.

Penalties for Violating the Riigikogu Election Act

The Riigikogu Election Act states: “If this Act is violated in any polling division, the National Electoral Committee may declare the elections in that polling division and all votes cast therein invalid”.

A total of 5 minor complaints were filed with the National Election Commission, the most serious of which was a complaint from an independent candidate who claimed that his name was missing from the candidate list in two polling stations. His claim was immediately investigated, considered to be not well founded and dismissed. In another case, a person who had filed a request to vote at home was not visited by polling division representatives.

International and Domestic Observers

The Riigikogu Election Act, provides for international and domestic observers. According to the Election Act, observers may be designated by foreign countries, international organizations, political parties and single candidates. In order to receive an observer accreditation, an application must be submitted to the NEC. Observer accreditation could be issued, if necessary, on election day as well. As far as the ODIHR Election Observation Mission is aware, no observers from domestic non-governmental organizations observed the elections though, according to the NEC, they can also be accredited. ODIHR Observers noted that representatives of political parties were present in 25% of polling stations visited.

5. VOTER EDUCATION

The domestic non-governmental community is small in Estonia. There are however, a few organisations undertaking civic education campaigns which organise effective and coherent programmes.

The State does provide some resources for voter awareness campaigns and these were run by the NEC and also by CECs, notably television spots and advertisements in local newspapers. Some suggestions were made that perhaps political party symbols should be included on candidate lists and that, particularly in the northeast, election related materials, such as voters’ cards, should also be issued in the Russian language. The ODIHR Election Observation Mission did receive a complaint from this region to the effect that some voters do not understand the Estonian language.

6. VOTER REGISTRATION

Voter registration for citizens in the Parliamentary elections is an ongoing process conducted by the State. A voter does not have to initiate his/her entrance onto the

polling list, unless their place of residency is changed. When a citizen turns 18 years, or when a person of 18 becomes a citizen, he or she is automatically registered.

Voters' cards were sent to eligible voters 25 days before election day with the voters' registration details, time and place for voting in advance, as well as the address of the regular polling station.

The NEC had an information campaign in January 1999 to inform voters that they should reregister if they changed their permanent residence, and that voters could also vote during the advance voting process.

Local municipal offices in charge of registration were open on election day to address voter registration problems. Observers noted that this system proved extremely useful and that in very few cases only were eligible voters not able to vote.

The OSCE/ODIHR delegation present for the 1995 Riigikogu elections had concluded that the voters' register needed improving. The 1999 ODIHR Election Observation Mission concludes that most problems appear to have been addressed and that citizen's have ample encouragement and opportunity to ensure they are registered correctly.

7. PARTY AND CANDIDATE REGISTRATION

The process of the registration of candidates started after the President of the Republic of Estonia called for Riigikogu elections on 1 December 1998.

On 2 December 1998, the Minister of Justice, in accordance with the Riigikogu Election Act, submitted to the National Election Committee the list of parties that had the right to take part in the elections and the number of citizens with the right to vote. The NEC announced the mandates to be distributed among eleven electoral districts on 6 December.

The nomination of candidates for the 1999 elections started on 7 December 1998 and ended on 21 January 1999. Under the presently applicable law any Estonian citizen who has attained twenty-one years of age by election day and has the right to vote can be nominated as a candidate in the Riigikogu elections.

A candidate can be nominated in only one electoral district. A political party can nominate only one candidates list in an electoral district. The name of the list is the same as the officially registered name of the party.

On 26 January, the National Election Committee confirmed the registration of 12 party lists and 19 independent candidates for the 1999 elections, totaling 1,885 candidates.

8. ELECTION CAMPAIGN

The election campaign officially started on 22 January 1999 and no campaign activities were permitted on the day of the election. In reality, the campaign was underway as soon as elections were announced on 1 December 1998.

The campaign was conducted in a orderly manner and was mainly restricted to the media, political meetings and the use of posters, banners and billboards. The general tone of the election campaign was fairly restrained and centred around key personalities rather than on substantive issues. Smaller parties and independent candidates did not receive much media attention.

The topics prevailing in most parties' platforms and public discussions were mainly focused on domestic issues and opinions expressed did not differ greatly. Generally, the parties concentrated their attention on issues related to economic policy, social problems, family matters and education. A majority of parties favoured free higher education, higher pensions and wage increases as well as child benefits and subsidies for families. One issue separating the parties concerned the introduction of a graduated income tax to replace the current uniform flat tax.

Political analysts noticed that the parties paid little attention to issues such as foreign policy, societal integration, and local government reform. Matters related to defence and privatisation as well as corruption and the fight against crime were also on the agenda.

Although the predominantly Russian speaking parties favoured Estonia's membership in the European Union, they also gave high priority to improving relations with Russia, while at the same time characterising Estonian foreign policy as too Western-oriented. These parties, in marked contrast from the others, oppose Estonia's membership in NATO. Two specific issues, namely use of the Russian language in public life, and matters of citizenship for non-Estonians, were also significant campaign topics for these parties.

The use of posters and billboards prevailed as a means of campaigning. Fees charged for posting in public places were determined by city councils and they varied depending on the location. There were a few minor incidents reported. The authorities removed a banner in Russian of a United People's Party candidate, Sergei Ivanov, from Tallinn's Old Town, and claimed this was due to the candidate's failure to co-ordinate with the City Council as advertising in the Old Town required prior notice.

In Tallinn, unknown persons pasted posters of the Progressive Party on more than a hundred election posters of the Moderates. Progressive Party leaders denied any involvement of their party and the Moderates made no accusations against anyone. In another case, the Moderates accused the Center Party of spoiling their election posters as well as posters of other parties.

Media reports noted that some posters and slogans provoked discussion over suitability of wording and choice of visual presentation. The Center Party's large posters projecting the bespectacled eyes of their candidate, Edgar Savisaar, were said to be reflective of George Orwell's notorious "Big Brother", with the implied reference to authoritarianism. The Moderates' poster headlining "Enough of this

nonsense” (the actual Estonian word being even cruder) was pasted on garbage bins all over Tallinn. Some commentators speculated that the slogan was too radical for the party’s presumed moderate orientation, and possibly represented a failed attempt to target audiences with a lower level of education.

There were few major rallies during the campaign. Instead, political parties’ information centres and regional meetings were more common, where those interested could obtain information from a face-to-face conversation with candidates. Parties also approached potential voters by visiting universities and schools where they presented their platform. There were no reports about problems with access to public buildings for meetings. There were also meetings at which several parties participated and discussed specific topics or answered questions posed by voters. These meetings were usually organised by universities or city authorities whose aim was to encourage debate among contestants.

As the elections approached, the campaigning became more intense. Foreign politicians came to give their support to a particular political party, including Carl Bildt, leader of the Swedish Moderates, and six members of the British Conservative Party who paid a visit to the Pro Patria Union and took part in their election campaign. Also, in order to obtain greater support of voters, during the last week of the campaign major parties arranged so-called propaganda parties where voters had an opportunity to meet with leading politicians and famous personalities.

Campaign Financing

According to the Riigikogu Election Act, the state does not provide any funds from the state or local budget for election campaigns.

Parties represented in the Riigikogu, however, are entitled to allocations from the state budget. The sum to be allocated to the parties is decided during the annual budget debate and divided proportionally to the number of seats the parties won at the Riigikogu elections. Thus, a party with 8-10 seats receives approximately half a million kroon a year and the Reform Party, which had 19 seats and was the largest faction in the 8th Riigikogu, received almost 1 million kroon.

According to the law applicable before the elections, it was possible to form a new faction in the Riigikogu as a result of a split in the party. In that case only the party that had run in the elections and received seats was allocated any money. The new faction did not receive any state funds.

There are no restrictions on the use of funds allocated by the state and the parties were free to use state-provided money for their election campaigns. Because of this, parties not represented in the Riigikogu believed that they were discriminated against.

In addition, newspapers reported that some ministers and members of the Riigikogu misused funds allocated for official travel in order to promote their election campaigns. Namely, every member of the Riigikogu is allocated a certain amount of money for official travel and that sum is decided by the Riigikogu Board on a monthly basis. Newspaper reports claimed that some ministers and members of the Riigikogu

running as candidates in these elections misused the state money by conducting the election campaign while they were visiting their electoral districts in their official capacity.

All parties are allowed to receive donations. Although there are no limits on the use of such funds, there are some on the sources. Parties cannot receive donations from government bodies and local authorities as well as firms or organizations in the public sector.

Receiving funds from government bodies of foreign states or state-owned firms and agencies is also banned. According to the law applicable at the time of the campaign, other foreign donations had to be reported to the registry of non-profit associations and foundations within seven days of the receipt.

Several parties expressed concerns that there was no compliance with these provisions and that the financing of parties was not transparent. That was the reason for the Riigikogu to adopt amendments to the provisions on 17 February 1999. The amendments regulate who will be responsible for controlling financial disclosures made by the parties and impose an obligation upon the parties to submit quarterly reports on financial sources. During the period of election campaign, reports have to be submitted once a week.

There were some media reports about the Center Party's alleged attempt to solicit sponsors. The reports claimed that the party was pressuring the privately owned Union Bank (Ühispank) and was threatening to withdraw State money from it if the party came to power, unless the bank agreed to sponsor them. Both the Center Party and bank officials denied the allegations.

Although election participants were under no obligation to disclose information on their campaign financing before the elections, they have to do that after the elections. Namely, according to the Election Act, all parties and independent candidates running for the elections are required to submit to the National Election Committee reports about their election campaign funding within one month after the announcement of the election results. The reports concerning the disclosures will be audited and made public.

9. THE MEDIA

Freedom of the press is guaranteed by the Estonian Constitution, which states, "All persons shall have the right to freely circulate ideas, beliefs and other information ... There shall be no censorship" (art. 45). Estonia has no press law or regulations devoted specifically to elections. The regulatory bodies, which oversee the work of the media, are the Broadcasting Council and the Press Council. The former regulates publicly owned media and has no authority over privately owned outlets, and the latter operates solely on the basis of the Press Code of Ethics and deals mostly with complaints about inaccuracies.

Estonia has over 100 news publications, including national daily, weekly and regional papers, with several published in Russian. Two publishing firms dominate the market and there are some papers which are foreign owned.

Recent statistics indicate that 98% of Estonians watch television regularly. The viewers prefer public television, which has a reputation for providing reliable information. Estonian Television and Radio, the public broadcasters, are not dependent on income from advertisers or political parties and are able to schedule their programming accordingly. Prior to the beginning of the campaign, they accepted the responsibility of providing equal access to all political parties.

Estonian television began its coverage of the election campaign the first week of February. Party presentations were broadcast during prime time every weekday except Thursdays. These were pre-recorded presentations of about 15 minutes each, which gave all parties an opportunity to present their platforms. The order of the party presentations was determined by a lottery system.

In addition, the station scheduled roundtables every Thursday for one hour. Each roundtable involved four participants from two different parties. The topics were generally broad and determined by the moderators. Unfortunately, the format of the program left very little time for discussion. Campaign broadcasting during the last week before the election was more intensive and provided more discussion time.

Despite attempts to offer equal and equitable access to all political parties, there was a complaint made by Nikolai Maspanov, leader of the Russian Party of Estonia, that Russian language election programming was too limited. He requested that a popular election program, "Election Studio" be broadcast in Russian. At first the Broadcasting Council dismissed his complaint, stating that since all candidates and the electorate have to be conversant in Estonian, expanded Russian language election coverage was not necessary. They claimed that, within the Estonian television programming schedule, the Russian Party of Estonia had the opportunity to present its platform in Russian with Estonian subtitles, and to participate in debates on two occasions. The Russian Party of Estonia also enjoyed equal access to the Estonian language programming. Finally, at the recommendation of the Broadcasting Council, Estonian television decided to have an additional broadcast in Russian the day before the election. All parties and independents were invited to make presentations, and most took the opportunity to do so.

Russia's state channel, ORT transmissions from St. Petersburg are received across much of Estonia and are popular in the northeast. Three Estonian parties paid for a number of advertising slots on ORT.

Private stations are free to make their own decisions about political programming. The only regulation that applies to the privately owned stations is that the price for paid political advertisements has to be uniform for all parties. Generally, the stations that organized roundtables gave prominence to the six major political parties, thus only half the parties were given a chance to address the audience in this forum. Furthermore, parties with greater financial resources at their disposal were able to pay for more advertisements.

Political programming on public radio is similar to that on television. Eesti Radio broadcast a series of political debates and political presentations of all parties. “Election Studio” was broadcast several times a week and involved representatives from four different parties discussing one issue. It was then broadcast in Russian. These broadcasts provided an opportunity for those parties, which did not have the resources to pay for political advertisements and appear in the private media to present their platform and engage in dialogue.

For the most part, privately owned radio stations broadcast paid presentations and had few debates involving major parties.

Most newspapers in Estonia are not openly and publicly affiliated with or supported by political parties. There were, however, in a number of newspapers several paid articles, written by members of political parties, which presented their party’s platform. This did provide a scope of different views, but did not necessarily elevate the discussion. Paid articles were not always identified as such in the newspapers.

The Newspaper Association adopted a Press Code of Ethics, which provides rough guidelines for editorial work and impartiality, and the right of reply. The Association made efforts to educate journalists, organize seminars and training courses, but those, unfortunately did not include Russian speaking journalists. Members of the Russian press said that there is a division between Estonian and Russian speaking journalists. It has been reported that their writings are reflective of two different realities.

10. OBSERVATION OF VOTING AND COUNTING

Eligible Electorate

Eligible voters are Estonian citizens eighteen years of age by election day. According to the Riigikogu Election Law, “A citizen who has been divested of his or her legal competence by a court shall not have the right to vote”, and “A citizen who has been convicted by a court and is serving a sentence in a penal institution shall not participate in voting”.

As of 1 November 1998, there were 860,544 eligible voters in Estonia and abroad, out of a total population living in this country of some 1.4 million. Estonia’s resident population includes some 120,000 citizens of the Russian Federation, and over 220,000 residents who presently are without citizenship. It is therefore notable that some 30% of the adults residing in Estonia are not eligible voters because they are not citizens of Estonia.

Advance Voting

Advance voting for regular voters was conducted on 1, 2 and 3 March. Each CEC had to designate at least one polling division for this kind of voting. 65,692 eligible voters (7,7%) cast their ballots using this voting option compared with 16% in the 1995 parliamentary elections.

Advance voting for citizens temporarily living away from their permanent residence was also conducted on 1, 2 and 3 March. A two-envelope system was used for the first time with the inner envelope containing the ballot, and the outer envelope identifying the voter. A total of 8,008 voters cast their ballots using this voter option.

Home-voting for voters unable to vote at a polling station because of disability, age or sickness, was conducted on 1, 2 and 3 March by at least two members of the polling division committee visiting their homes with prior approval. The two-envelope system was used.

Voting in penal institutions was conducted on 1, 2 and 3 March for eligible voters who are incarcerated but not convicted.

Long-term observers as well as members of the core staff of the ODIHR Election Observation Mission observed thirty-four polling stations during the advance voting, including two penal institutions. No significant problems were noted.

Voting abroad took place between 20 and 25 February. Voters could vote either in person at Estonian Embassies or Consulates or, for the first time, by mail. All ballots from abroad had to be received by 3 March by the National Election Committee, and were counted together with the ballots from advance voting. A total of 4,099 Estonian citizens cast their ballots using this voting option, which represented less than half of such votes cast in the 1995 election. Press reports have speculated that this might have happened because changes in voting options were not communicated to eligible voters in time. A further 56 persons voted on board Estonian flag vessels.

Voting on Election Day

On March 7, voters could only cast their ballots at polling stations of their registered residence. Voting commenced at 9 am and ended at 8 pm. Each voter had to present a proper form of photo identification. The voters' card is used for information purposes only and is not a valid form of identification.

Voter turnout was significantly lower than in previous elections (57.3% compared with 68.9% in 1995 and 67% in 1992).

From the observations on polling day, the following is notable:

- ◆ 99% of observers indicated that the voting process at polling stations was fair to very good.
- ◆ 98% of observers indicated that voters' understanding of the voting process was fair to very good.

Instances of group voting were mentioned by 28% of observers, and a further 9% indicated that they saw instances of open voting (i.e. not in the polling booth). In neither of these cases, however, were there any comments by observers that any fraud

or intimidation occurred. Polling division members should, nonetheless, instruct voters that they must vote alone, inside the designated voting booth.

Counting

The count of all advance voting took place between 6 pm and 8 pm on the day of the election in a room adjacent to the polling station and in the presence of at least three polling division committee members, including the chairman or secretary. No results were to be disclosed until 8 pm on election day.

Starting at 8 pm, votes were counted for each candidate and then for each party list, after which the results were transmitted to the CEC. Up to one third of polling stations were equipped with electronic mail through which results could be transferred directly to the NEC.

The NEC had planned to publish full provisional results by midnight of election day, but incurred some information technology problems which delayed the announcement of results until 7 am the next morning.

According to the Riigikogu Election Act, the National Electoral Committee had until 17 March to announce official results and verify the mandates. The NEC did so on 12 March.

Conclusions

The counting process, according to the law, is open to public scrutiny and there was no evidence on election day that this was not respected. ODIHR observers were given access to the counting process and no problems other than those of a minor technical nature, were encountered.

11. RESULTS

The NEC prepared information relating to the voter turnout and in-coming results promptly, and utilized their web-site to good effect.

Final Results

	Votes total	Percentage	Mandates
Estonian Centre Party (K)	113,378	23.41	28
Moderates (M)	73,630	15.21	17
Pro Patria Union (I)	77,917	16.09	18
Estonian Reform Party (RE)	77,088	15.92	18
Estonian Country People's Party (EME)	35,204	7.27	7

Estonian Coalition Party (KE)	36,692	7.58	7
Estonian United People's Party (EÜRP)	29,682	6.13	6
Estonian Christian People's Party (EKRP)	11,745	2.43	-
Estonian Blue Party (ESE)	7,745	1.60	-
Russian Party in Estonia (VEE)	9,825	2.03	-
Farmers' Union (PK)	2,421	0.50	-
Progressive Party (AP)	1,854	0.38	-
Independent candidates	7,058	1.46	-
Total	484,239	100.00	101

12. RECOMMENDATIONS

Based upon the observations of the full electoral process, the ODIHR Election Observation Mission recommends the following:

- ◆ the newly elected Riigikogu should review recent election law amendments, coming into effect on 1 May, which appear to strengthen language requirements for electoral candidates. Such provisions should comply with the international standards that Estonia has pledged to respect, such as the International Covenant on Civil and Political Rights, the European Convention on Human Rights and the OSCE Copenhagen Document;
- ◆ the Estonian officials should consider allowing the public display of campaign materials in Russian, as well as the state language, especially in areas where Russian is widely used. Regulations on language use for campaign posters and related materials needs to be clarified. In general, it should be ensured that language requirements related to the campaign are consistent with the freedom of expression as articulated in international legal instruments to which Estonia is a party;
- ◆ in regions with considerable numbers of non-Estonian speakers, the provision of voter information materials in languages other than Estonian should be considered. This would certainly be of importance in upcoming local elections;
- ◆ future voter education programs should focus on securing the secrecy of the vote; and
- ◆ newspapers should clearly state if articles are submitted by and paid for by political parties.